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|------------------------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/750,523                   | 12/31/2003  | Kimming So           | 15057US02           | 1971             |
| 23446                        | 7590        | 05/15/2009           | EXAMINER            |                  |
| MCANDREWS HELD & MALLEY, LTD |             |                      | CAMPOS, YAIMA       |                  |
| 500 WEST MADISON STREET      |             |                      | ART UNIT            | PAPER NUMBER     |
| SUITE 3400                   |             |                      |                     | 2185             |
| CHICAGO, IL 60661            |             |                      | MAIL DATE           | DELIVERY MODE    |
|                              |             |                      | 05/15/2009          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* JANE LU and KIMMING SO

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Application No. 10/750,523  
Technology Center 2100

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Mailed: May 14, 2009

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Before Deborah L. PERRY, *Supervisory Paralegal Specialist, Review Team*  
PERRY, *Supervisory Paralegal Specialist, Review Team.*

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on January 21, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on January 21, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to consider the Reply Brief filed December 15, 2008, as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/klh

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